

REMARKS

Claims 14 through 23 are pending in the application. Applicant respectfully submits that the claimed invention is patentably distinguishable over the cited art as set forth below and requests reconsideration of the application.

Claim 14 stands rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicant regards as the invention. Specifically, the Office Action (Action) contends that the following features of claim 14 lack antecedent basis: "the metal ion"; "the molar ratio of complexing agent to metal"; and "the pH".

Applicant respectfully submits that claim 14 has been amended to recite proper antecedent basis and distinctly claim that which Applicant regards as the invention. As such, reconsideration and withdrawal of the §112, second paragraph rejection of claim 14 is respectfully requested.

Claims 14 through 23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,569,444 to Blanchard et al. (Blanchard).

Claim 14 is directed to a cobaltous hydroxide or alloy hydroxide formed of cobalt and one or more other metals. The cobaltous hydroxide or alloy hydroxide has a density of about 0.5 to about 2.2 g/cm³, a particle size above about 1 μm, and a specific surface of about 0.5-20 m²/g. The cobaltous hydroxide or alloy hydroxide is prepared by a reaction comprising the step of adding a complexing agent and hydroxide ion under alkaline conditions to an aqueous chloride solution of cobalt or to an aqueous chloride solution of an alloy of cobalt and one or more other metals to form a metal hydroxide. The complexing agent is selected so as to form an ammonium

complex with a metal ion, wherein a molar ratio of complexing agent to metal ion is about 0.5 to about 3. The reaction is conducted at a pH in the range of 10 to 13.

Blanchard is directed to a process of preparing a powder of metal hydroxides based on nickel hydroxide for an electrode of an electromechanical cell having an alkaline electrolyte. The process includes introducing a solution of salts of nickel and of cobalt and of cadmium and/or zinc into a reactor, together with a strong base and an ammonium salt. Metal hydroxide particles precipitated from the reaction are filtered, washed and dried.

The Action contends that Blanchard suggests the instantly claimed cobaltous hydroxide and alloy hydroxide of cobalt and one or more other metals having the instantly claimed product characteristics. Applicant respectfully disagrees. The Action is accurate in stating that the Blanchard process differs from the claimed process.

As noted above, Blanchard is directed to a process of preparing a powder of metal hydroxides **based on nickel hydroxide**. Therefore, the resultant metal hydroxide powder product formed by the process of Blanchard is nickel-based. To the contrary, the claimed cobaltous hydroxide and alloy hydroxide of cobalt are both cobalt-based, and not nickel-based as in Blanchard. Clearly, the cobalt-based hydroxides of the claimed invention are chemically different than the nickel-based hydroxide of Blanchard, contrary to the contention of the Action. As such, Blanchard fails to disclose or suggest the claimed cobalt-based hydroxides formed by the claimed process.

Moreover, in addition to the distinction noted above, Applicant further submits that the claimed cobalt-based hydroxides further distinguish from the nickel-based hydroxide powder of Blanchard, in that Blanchard also requires the introduction of cadmium and/or zinc in their process used to form the resultant nickel-based hydroxide product, namely a ternary hydroxide of

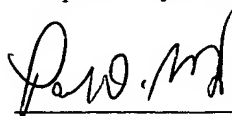
nickel, cobalt and cadmium and/or zinc. This is contrary to the claimed invention, which is a cobalt-based hydroxide formed by a process that does not include the introduction of cadmium and/or zinc. Clearly, the introduction of cadmium and/or zinc in Blanchard results in a chemically-distinct, nickel-based ternary hydroxide with cadmium over the cobalt-based hydroxides of the claimed invention, which are not ternary hydroxides with nickel, cobalt and cadmium and/or zinc.

In addition, Applicant respectfully submits that the claimed product characteristics are specific to the claimed cobalt-based hydroxides formed by the claimed process. The hydroxide characteristics described in col. 3, line 25 through col. 4, line 11 is for a ternary hydroxide with nickel, cobalt, and cadmium, unlike the claimed invention. Therefore, it would be inaccurate to compare the product characteristics of Blanchard to those of the claimed invention, since clearly the claimed product is chemically distinct from any nickel-based hydroxide powder product disclosed or suggested in Blanchard.

Therefore, for at least the reasons above, Applicant respectfully submits that the claimed invention is patentably distinguishable over the cited art. As such, reconsideration and withdrawal of the §103(a) rejection of claims 14 through 23 is respectfully requested.

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Respectfully submitted,



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